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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 DEANGELO MAREON MALONE,

Case No. 2:18-cv-00764-JCM-VCF

10 Petitioner,

ORDER

11 v.

12 BRIAN WILLIAMS, et al.,

13 Respondents.

14 This habeas matter comes before the court on consideration of petitioner's application to  
15 proceed *in forma pauperis* (ECF No. 1) and for initial review pursuant to Rule 4 of the Rules  
16 Governing Habeas Corpus Cases Under Section 2254.

17 After considering the application for pauper status, the court finds that petitioner cannot  
18 pay the filing fee. The application for *in forma pauperis* status will therefore be granted. Petitioner  
19 will not be required to pay the filing fee.

20 Turning to the petition, Local Rule LSR 3-1 requires petitioner to file his petition on the  
21 court's required § 2254 petition form. Instead of complying with the local rule, petitioner used the  
22 petition form as a cover document and incorporated part of a legal memorandum—with extensive  
23 legal argument—filed in the state courts. Petitioner must use the required form to state his claims  
24 without incorporating other documents by reference and without extended legal argument and case  
25 citation. Petitioner therefore must file an amended petition using the required petition form to  
26 allege the factual bases of his claims. He may add additional pages to the required petition form if  
27 he needs more space to state his claims. The petition form also requires petitioner to attach copies  
28 of all written state-court decisions regarding his conviction, which petitioner failed to do.

1 IT THEREFORE IS ORDERED that petitioner's application (ECF No. 1) to proceed *in*  
2 *forma pauperis* is GRANTED and that petitioner shall not be required to pay the filing fee.

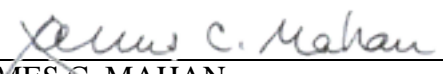
3 IT FURTHER IS ORDERED that the clerk of court shall file the petition, but petitioner  
4 must mail to the clerk for filing an amended petition using only the required petition form to state  
5 his claim, without incorporating other documents, and without extensive legal argument and case  
6 citation, within thirty days of the date of this order. Petitioner shall clearly title the amended  
7 petition as an amended petition by placing the word "AMENDED" immediately above "Petition  
8 for a Writ of Habeas Corpus" on page 1 in the caption, and he must place the docket number, 2:18-  
9 cv-00764-JCM-VCF, in the designated space above the word "AMENDED." Under Local Rule  
10 LR 15-1, the amended petition must be complete in itself without reference to previously filed  
11 papers. Thus, the claims and allegations that are stated in the amended petition will be the only  
12 matters remaining before the court. Any claims or allegations that are left out of the amended  
13 petition or that are not re-alleged will not be considered.

14 IT IS FURTHER ORDERED that petitioner must attach to the amended petition copies of  
15 all written decisions by the state courts on the claims presented.

16 This action will be dismissed without further prior notice if petitioner fails to fully and  
17 timely comply with this order.

18 The clerk of court is directed to send petitioner two copies of a noncapital § 2254 form  
19 along with one copy each of the instructions for the form and petitioner's original petition.

20  
21 DATED May 18, 2018.

22   
23 JAMES C. MAHAN  
24 UNITED STATES DISTRICT JUDGE  
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